

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In re:

Kristel R. Luna
Peter Simon Luna

Debtors.

Case No. 08-11422-s7

**DEFAULT ORDER FOR RELIEF FROM STAY AND TO ABANDON PROPERTY AS
TO U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE ADJUSTABLE RATE MORTGAGE TRUST 2007-1, ADJUSTABLE
RATE MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-1**

THIS MATTER comes before the Court on the Motion for Relief from Stay and to Abandon Property (“Motion”) filed on June 4, 2008 by **U.S. Bank National Association, as Trustee, on behalf of the holders of the Adjustable Rate Mortgage Trust 2007-1, Adjustable Rate Mortgage-Backed Pass-Through Certificates, Series 2007-1**. True and correct copies of the Motion for Relief from Stay and to Abandon Property and Notice of Deadline for Filing an Objection to Motion for Relief from Stay and to Abandon Property were served on Debtors, Counsel for Debtors, and the Trustee on June 4, 2008. Neither Debtors nor the Trustee have filed an objection or other responsive pleading to Creditor's Motion as of June 30, 2008. The deadline for objections to be filed was **June 27, 2008**.

On June 30, 2008, Castle Meinhold & Stawiarski, accessed the Department of Defense Manpower Data Center's website and found that **Kristel R. Luna and Peter Simon Luna** are not active members of the military service of the United States, nor her allies, as evidenced in the Affidavit and web pages filed herein.

IT IS THEREFORE ORDERED that **U.S. Bank National Association, as Trustee, on behalf of the holders of the Adjustable Rate Mortgage Trust 2007-1, Adjustable Rate Mortgage-Backed Pass-Through Certificates, Series 2007-1**, its successors, nominees, assigns

and/or real party in interest, and any and all holders of all liens against the subject property, are hereby given relief from the automatic stay pursuant to 11 USC §362 (a) in order to enforce their rights under the terms of the Note and Mortgage or Deed of Trust by commencing or proceeding with the appropriate action against the Debtors and/or the Property described as:

Lot numbered Two (2) in block lettered "C" of the Plat of THE MEADOWS ON RIO GRANDE UNIT ONE, Albuquerque, New Mexico, as the same is shown and designated on the plat of said subdivision filed in the office of the County Clerk of Bernalillo County, New Mexico, on July 8, 1993 in Plat Book 93C, folio 194.

which has the address of **2404 Rozinante Drive Northwest, Albuquerque, NM 87104**, and to exercise any other right or remedy available under law or equity against such property.

IT IS FURTHER ORDERED THAT:

1. The Property is no longer property of the estate.
2. Any deficiency owed by the Debtors to Creditor after foreclosure sale shall be subject to the Bankruptcy Code should this bankruptcy continue;
3. Creditor is entitled to its reasonable attorney fees and costs in the amount of **\$832.50** for its Motion for Relief pursuant to the Note and Mortgage, and may collect the fees and costs as permitted by the Bankruptcy Code.


James S. Starzynski
United States Bankruptcy Judge

Entered on Docket Date: July 2, 2008

RESPECTFULLY SUBMITTED BY:
CASTLE MEINHOLD & STAWIARSKI

By: s/ Sharon Hankla electronically submitted on June 30, 2008

Attorney for Secured Creditor
999 18th St., Suite 2201, Bin 1
Denver, CO 80202
(303) 285-2222 or (800) 286-0013

Copies To:

Debtors

Peter Simon Luna
2404 Rozinante Drive, N.W.
Albuquerque, NM 87104

Kristel Rose Luna
2404 Rozinante Drive, N.W.
Albuquerque, NM 87104

Attorney for Debtors

Gerald R. Velarde
2531 Wyoming Blvd NE
Albuquerque, NM 87112-1027

Trustee

Michael J. Caplan
827 East Santa Fe Ave
Grants, NM 87020-2458

07-1458 / Luna, Kristel R.